

REMARKS

This is in response to the Final Office Action mailed on July 6, 2009. A Petition for a two-month extension of time is filed herewith to extend the deadline for response from October 6, 2009 to December 6, 2009. A Request for Continued Examination is also filed herewith.

In the Office Action, claims 1, 2, 4-9, 11, 14, and 18-19 were rejected. Claims 1, 7, 14 and 18 are amended herein. All amendments are fully supported by the original specification and drawings. No new matter is added. Claim 19 is canceled without prejudice or disclaimer. Claims 3, 10, 12-13 and 15-17 were previously canceled. Accordingly, claims 1, 2, 4-9, 11, 14 and 18 are pending in this application.

In light of the foregoing amendments and following remarks, Applicants respectfully request advancement of this application to allowance.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1-2, 4-8, 11, 14 and 18-19 are rejected under 35 U.S.C. §102(b) as being anticipated by Tudor-Pole (U.S. Patent No. 3,378,973). Applicants respectfully traverse the rejection and the sufficiency of the rejection is not conceded. However, in an effort to advance this application to allowance, claims 1, 7, 14, and 18 are amended and claim 19 is canceled without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of the claims prior to amendment or cancelation in one or more continuing applications.

Independent claims 1, 14, and 18 are all directed to a joining member. These claims are amended to clarify that the extension member has a length greater than the length between said first and second opposed surfaces of said panels. Further, the claims also define a joining member which has resilient retaining members that, when positioned beyond the gap, adopt a biased configuration. The length of the extension member of the device is such that in said position beyond the gap, the retaining member(s) are in engagement with the second surface(s) of one or more panel(s).

Tudor-Pole fails to disclose the above-mentioned features. Instead Tudor-Pole relies on a quite different configuration to bridge the gap, using a more rigid metallic structure which has cut out tongues 14 punched out of arms 15 to grip the sidewalls of the gap. The extension member (arms 15) of Tudor-Pole is sized such that the tongues sit within the gap. That is, the

length of the extension member in Tudor-Pole is less than the distance between the first surface and the second (rear) surface of panel 4.

As noted in prior responses, Tudor-Pole also fails to disclose that the flange member is moveable between a domed and a substantially flat configuration. The Office Action asserts that “is moveable” can be interpreted as “capable of being moved,” and therefore that the element does not distinguish the invention from Tudor-Pole. In an effort to advance the application to allowance, the independent claims are amended to clarify the structural features of the joining member that permit the flange member to be arranged in the domed and substantially flat configurations.

For example, Tudor-Pole fails to suggest that when a retaining member (tongues 14) is positioned beyond the gap, the length of the extension member causes them to engage a rear surface which in turn retains the flange member in a substantially flat configuration.

Even if the arms 15 of Tudor-Pole were extend beyond the gap, the device of Tudor-Pole would not achieve the feature of the retaining member (tongues 14) holding the flange (coverstrip 1) in the flat configuration by engaging a rear surface of the panels. The positioning of tongues 14 would have no bearing on the shape of the separate flange element of Tudor-Pole. As shown in FIG. 2, the coverstrip 1 is separate from the fixing clips 11.

In order for the device of Tudor-Pole to achieve the feature recited in the independent claims of holding the flange (coverstrip 1) in a substantially flat configuration, the ends 13 of the U-shaped clip 11 would be required to exert an outward force against the channelled section 3 of the coverstrip i.e. to deform the channel outwardly by the end of 13 pressing against the channel sidewall 6. The tongues 14 of Tudor-Pole are moveable due to their cut-out, hinged configuration relative to the solid base of the U-shaped member. The tongues move independently of any other component of the clip. This movement of the tongues would not change the orientation of arms 15 and the ends 13 and thus in turn do not have any bearing on the shape or position of the coverstrip. Indeed the design of Tudor-Pole is such that it prevents movement of the tongues from causing movement of any other component, particularly the arms, on the basis that such movement could result in dislodgement from within the gap. Accordingly, Applicants submit that Tudor-Pole teaches away from the presently claimed invention by requiring a distinction between the orientations of the tongues and the remainder of the clip.

In light of the proposed amendments, and in view of the foregoing remarks, Applicants believe that independent claims 1, 14, and 18 are not anticipated by the disclosure in Tudor-Pole (and further that Tudor-Pole teaches away from the presently claimed invention). Accordingly, it would not have been obvious for one of skill in the art to attempt to modify the design of Tudor-Pole to achieve the claimed invention. Applicants respectfully request reconsideration and allowance of claims 1, 14, and 18, as well as claims 2, 4-8, and 11 that ultimately depend from claim 1.

Rejections Under 35 U.S.C. § 103

In the Office Action, claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tudor-Pole (U.S. Patent No. 3,378,973) in view of Yamamoto (JP 06185129). Applicants respectfully traverse the rejection and the sufficiency of the rejection is not conceded. However, as discussed above, in order to advance this application to allowance, independent claim 1 (from which claim 9 ultimately depends) is amended.

Claim 9 is allowable for at least the same reasons as claim 1 noted above. In addition, Yamamoto fails to supply the deficiencies of Tudor-Pole. In Yamamoto, cover strip 111 (such as shown in Figure 6) is a fixed structure which does not move from a domed configuration to a flat configuration. Moreover, it is not retained in a flat configuration by engagement of the retaining members with a rear surface of the panels. This is largely because the device of Yamamoto relies upon foam expansion to seal the gap. (“At least the foremost parts of the lips 21 are made of plastic, rubber, etc., containing a foaming agent, which is heated and foamed after the leg is fitted in the gap, and thereby the lips 21 are expanded and contacted resiliently with the mating end faces 2 of the wall panels 1,” Abstract of Yamamoto (English translation)). Therefore, it would not have been obvious to modify Tudor-Pole in view of Yamamoto to arrive at the invention recited in claim 9, which ultimately depends from claim 1.

Conclusion

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. There may be additional reasons that the pending subject matter is patentably distinct from the cited references in addition to those discussed herein. Applicants reserve the right to raise any such arguments in the future. If the Examiner believes a telephone conference would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 336-4755

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By: 

Brian H. Batzli
Reg. No. 32,960
BHB/BAT:ae